

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

CONSOLIDATION COAL COMPANY,)	
)	
Plaintiff,)	Civil Action No. 00-2120
)	
v.)	
)	
UNITED STATES DEPARTMENT OF)	
THE INTERIOR, NATIONAL PARK)	
SERVICE,)	
)	
and)	
)	
CAROL D. SCHULL, individually and in)	
her capacity as the Keeper of the National)	
Register of Historic Places,)	
)	
and)	
)	
ROY BRENDEL and DIANE BRENDEL,)	
)	
Defendants.)	

MOTION TO ESTABLISH RESPONSE DATES

NOW COMES the Plaintiff Consolidation Coal Company ("Consol") and requests that the Court grant it the opportunity to respond as follows:

1. On February 10, 2006 and February 11, 2006 defendants Roy Brendel and Diane Brendel ("the Brendels") filed voluminous documents at Docket Entries 97 through 104 of this Court, and other appropriate docket entries, in the nature of a Motion to Dismiss and a Brief in Support thereof, a Motion to Stay Discovery and a Motion for Protective Order.

2. Consol requests that it be given to and including March 15, 2006 in which to respond to the multiplicity of motions. The motions are voluminous and contain a large number of facts not supportable and will require some extensive response.

3. Consol is contemplating filing its own motions with respect to the various complaints and various claims asserted in documents that would seem to be a third party complaint and counterclaim filed by Diane Brendel.

4. There are serious questions of federal jurisdiction involved. Consol is now preparing and intend to file within the time required, a motion to dismiss and for other relief.

It is therefore respectfully requested that Consol be given to and including March 15, 2006 in which to respond to Items 97 through 104 on the docket of this Court and such other docket entries as is appropriate.

Dated: February 13, 2006

Respectfully submitted:

/s/ Joseph A. Katarincic

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing **MOTION TO ESTABLISH RESPONSE DATES** was served by U.S. First Class Mail, postage prepaid this 13th day of February, 2006, on the following counsel of record:

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